

Message Text

CONFIDENTIAL

PAGE 01 BERLIN 01923 161650Z
ACTION EUR-12

INFO OCT-01 ISO-00 CU-04 CA-01 A-01 SY-05 CIAE-00
DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00 PA-01
SP-02 SS-15 NSCE-00 SSO-00 USIE-00 INRE-00 /061 W
-----008852 161703Z /45

O 161632Z MAR 78
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC IMMEDIATE 6944

C O N F I D E N T I A L BERLIN 01923

E.O. 11652: GDS
TAGS: CGEN, CPRS, PGOV, SCUL, GE, US
SUBJECT: FEININGER PAINTINGS

REFS: (A) BERLIN 759, (B) BERLIN 1600

1. DURING A CALL MARCH 15 ON MFA USA DESK OFFICER ELM,
THE DCM WAS HANDED A NOTE ON THE MATTER OF THE
FEININGER PAINTINGS, AN INFORMAL TRANSLATION OF WHICH
FOLLOWS:

BEGIN TEXT:

THE MFA OF THE GDR PRESENTS ITS COMPLIMENTS TO THE
EMBASSY OF THE UNITED STATES OF AMERICA IN THE GDR
AND HAS THE HONOR TO CONVEY THE FOLLOWING IN RESPONSE
TO THE AIDE MEMOIRE WHICH THE EMBASSY OF THE USA GAVE
TO THE GDR ON MARCH 23, 1977 REGARDING SOME PAINTINGS
OF LIONEL FEININGER WHO DIED IN 1956:

THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC
IS READY, AFTER HAVING STUDIED THE MATTER IN QUESTION,
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERLIN 01923 161650Z

TO START NEGOTIATIONS WITH THE GOVERNMENT OF THE USA
LEADING TO THE CONCLUSION OF AN AGREEMENT REGARDING
THE MUTUAL RETURN OF CULTURAL OBJECTS. IN THE CONTEXT
OF SUCH AN AGREEMENT THE PROBLEM ADDRESSED IN THE
AFOREMENTIONED AIDE MEMOIRE OF THE EMBASSY OF THE USA
TO THE GDR COULD CONCEIVABLY BE RESOLVED.

THE MFA OF THE GDR WOULD APPRECIATE HAVING THE VIEWS
OF THE EMBASSY OF THE USA IN THE GDR REGARDING THIS
PROPOSAL

COMPLIMENTARY CLOSE

BERLIN, MARCH 14, 1978

END TEXT. TEXT BEING POUCHED TO EUR/CE - GRAY.

2. AFTER READING THE TEXT, DCM ASKED ELM TO CLARIFY
WHAT WAS MEANT BY THE REFERENCE TO NEGOTIATIONS LEADING
TO THE CONCLUSION OF AN AGREEMENT REGARDING THE
MUTUAL RETURN OF CULTURAL OBJECTS. ELM SAID HE WAS NOT
INVOLVED IN THE DRAFTING OF THE NOTE AND WAS UNABLE
TO ANSWER. (HE MENTIONED THAT GUNTER GOERNER, DEPUTY
HEAD OF LAW AND TREATY DEPARTMENT, MFA, HAD BEEN
INVOLVED IN ITS PREPARATION.) HE THOUGHT, HOWEVER, THAT IT
WOULD BE POSSIBLE FOR HIM TO GIVE SOME CLARIFICATION
THE NEXT TIME AN EMBASSY OFFICER VISITED THE FOREIGN
MINISTRY.

3. COMMENT: IT APPEARS THAT GDR IS LINKING FEININGER
PAINTINGS ISSUE WITH DURER PAINTINGS AND POSSIBLY
WITH POSTAGE STAMPS AND OTHER CULTURAL PROPERTIES
IN THE U.S. WHICH GDR ALSO CLAIMS. THIS POLICY WAS
HINTED AT IN ELM DISCUSSION WITH EMBOFF JANUARY 30
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BERLIN 01923 161650Z

(REFTEL A). GDR INTENTION SEEMS TO BE TO NEGOTIATE
PACKAGE DEAL INVOLVING ALL DISPUTED CLAIMS TO CULTURAL
PROPERTIES. OUR INITIAL REACTION IS THAT THIS IS
UNACCEPTABLE AS THE CLAIMS INVOLVE COMPLETELY DIFFERENT
LEGAL AND PRACTICAL ISSUES. FOR ONE THING THE DURER
PAINTINGS AND THE POSTAGE STAMPS ARE NOT UNDER THE
CONTROL OF THE USG AND THEREFORE THEIR DISPOSITION
CANNOT BE NEGOTIATED. WE RUN THE RISK IF WE SHOULD
AGREE TO A PACKAGE NEGOTIATION OF HAVING THE
FEININGER PROPERTIES BEING HELD HOSTAGE. WE RECOMMEND
THAT WE ATTEMPT TO OBTAIN CLARIFICATION FROM GDR SIDE
ON WHAT IS MEANT BUT INDICATE THAT WE CANNOT AGREE
TO ANY COMPREHENSIVE NEGOTIATION ON THE MUTUAL RETURN
OF CULTURAL OBJECTS. END COMMENT. BOLEN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CULTURAL PROPERTY, ARTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BERLIN01923
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780117-0797
Format: TEL
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780362/aaaacahz.tel
Line Count: 108
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2e2d4bc6-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 BERLIN 759, 78 BERLIN 1600
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3315153
Secure: OPEN
Status: NATIVE
Subject: FEININGER PAINTINGS
TAGS: CGEN, CPRS, PGOV, SCUL, GC, US, (FEININGER, LIONEL)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/2e2d4bc6-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014